

### III. REMARKS

In the Office Action, objection was made to claims 12 and 15 because of typographical errors; the errors are corrected by the present amendment. Claims 1-8, 10-11, 14-17 and 20 were rejected under 35 U.S.C. 102 as being anticipated by Mizell (US 2002/0077097), and Claims 9, 13 and 19 were rejected under 35 U.S.C. 103 as being unpatentable over Mizell in view of Almgren (US 6,668,175) for reasons set forth in the Action.

Allowable subject matter has been noted in claims 12 and 18.

The claims have not been amended further except for correction of the foregoing typographical errors.

The following argument is presented to overcome the foregoing rejections under 35 U.S.C. 102 and 103, and to show the presence of allowable subject matter in the rejected claims.

In the Office Action (section 10 of the Action), the examiner has indicated in response to the argument presented in the previous response, that according to Mizell, a rating can be selected based on various factors, and that thereby an individual selection of values of each service attribute, to be employed, is enabled. To distinguish the present invention from the teachings of the cited art, it is noted that the present invention has a feature, not taught in the cited art, wherein the present invention provides for a flexible selection of a rating and a flexible selection of values of service attributes.

While Mizell may teach selection of a rating based on various factors, the selection of a quality of service (QoS) rating in

Mizell is characterized by values of service attributes which are fixed. Thus, the combination of service attributes that may be selected in Mizell for a particular transmission is limited only to predefined combinations obtained from a set of predefined ratings. This constitutes a limitation on a choice of values of service attributes in Mizell which distinguishes the Mizell teaching from the present invention that enables a free selection of values of service attributes.

This distinguishing feature between the teachings of Mizell and the teachings of the present invention, and the disadvantages resulting from the limitations of Mizell, have been discussed in the previous response wherein the following has been noted.

The method of present claim 1 comprises the following steps/features:

A Determining, upon request of a transmission by a user equipment of a subscriber registered with some radio access network, values of service attributes to be used for the transmission requested by the user equipment;

B The values are determined based on at least one value of at least one service attribute defined by a stored subscriber specific service profile; and

C The values are determined based on at least one stored common value of at least one service attribute.

The foregoing steps/features enable the invention to accomplish its object of enabling an improved assignment of values of

service attributes to transmissions requested by a user equipment (present specification, paragraph connecting pages 6 and 7).

Mizell is distinguishable from the present invention in that Mizell selects a QoS rating and then uses apparently values of service attributes predefined for the selected rating (par 32). Such a rating is one value associated via a certain TLLI to a specific set of service parameter values. Thereby, different factors, such as subscribed values and common values, may not influence the values of different service parameters separately in Mizell, but may influence only a selection of a specific predefined set of service parameter values.

The method of present claim 1, in contrast, allows selection of the value of each employed service attribute individually based on the available subscribed values (feature B, above) and the available common values (feature C). Thus, the solution of present claim 1 is more flexible than the solution of Mizell. This is of particular interest for UMTS, in which a large number of parameters is defined (paragraph connecting pages 3 and 4 of the present specification).

The examiner bases his position on statements appearing in Mizell at paragraphs 41 and 42. However, the teaching of Mizell at paragraph 42 is not clear when considered in combination with the statements of paragraph 41. In paragraph 41, the quality of service rating may be a function, or may exclusively be a function, of whether the call is voice or data. Paragraph 42 states that based upon any or all of the above factors, an assignment is made that reflects the quality of service rating. This statement of paragraph 42 would be inconsistent with the statement in paragraph 41 if the quality of service rating is to

be exclusively a function of whether the call is voice or data. The last statement in paragraph 41 refers to exclusive use of a subscription plan as the determining factor of the quality of service. This also is inconsistent with the statement in paragraph 42 that the basis of determination may be upon a plurality of the factors disclosed in paragraph 41. The second and the third examples given in paragraph 41 relate to the type of call and also to a requested quality of service. These appear to be separate and distinct examples of which the factors cannot be combined.

Possibly, the intended meaning of paragraph 42 is that one has a choice of factors that may be used in making the determination of the service rating, and that if a subscription plan includes alternative factors that may be employed for the determination, then it may be possible to use a consideration of the type of service in conjunction with the terms of the subscription plan. While the language of paragraph 42 may be useful for Mizell in terms of a broadening of his teachings, it appears to be a poor choice for the examiner in providing an unambiguous teaching of the art to show lack of patentability in the present invention.

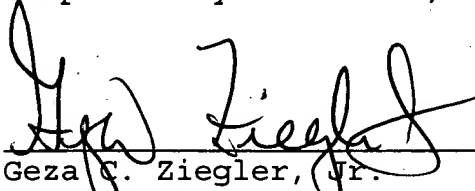
The foregoing distinctions between Mizell and the present invention apply even upon combining the teachings of Mizell with the teachings of Almgren relied upon by the examiner to show implementation of the present invention with a UMTS communication system.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and

are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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